

Remarks

I. Introduction

This is in response to the Office Action dated February 9, 2005. The Office Action rejected claims 1-14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,293,250 (Okumura et al.)

In response, Applicants have amended claims 1 and 8, and have cancelled claims 6, 7 and 11-14. New claims 15-17 have been added in order to more particularly claim various aspects of the invention. Claims 1-5, 8-10 and 15-17 remain for consideration.

II. The Amended Claims Are Not Anticipated by Okumura et al.

In order for a claim to be anticipated under 35 U.S.C. §102, **each and every** limitation of the claim must be found either expressly or inherently in a single prior art reference. PIN/NIP, Inc. v. Platte Chem. Co., 304 F.3d 1235, 1243 (Fed. Cir. 2002). In the present case, Okumura et al. does not show each and every limitation of amended independent claims 1 and 8. Therefore, applicants request the withdrawal of the rejection under 35 U.S.C. §102(e).

The present invention is directed to a message recipient receiving independent notification of a message at the request of the message sender. Independent notification means notifying the message recipient by a mode independent of which the message was sent. For example, if a sender sends an email message, independent notification may be via a telephone call to a telephone associated with the message recipient. To effectuate such independent notification, the sender, upon creating the message, will designate in a message header a request for independent notification of the message recipient.

In accordance with one aspect of the invention, the message itself, as sent by the sender, contains an identifier of the independent notification recipient. Thus, for example, the message sender may include in the message itself the telephone number to which the independent notification is to be sent. This aspect of the invention, which is now clearly claimed in amended independent claims 1 and 8, is not disclosed in Okumura et al.

Claim 1 now contains the limitation of:

establishing an identifier for the recipient by retrieving said identifier from said message; and
launching an independent notification to the message recipient identified by the identifier.

Thus, in accordance with claim 1, an independent notification is launched to the message recipient identified by the identifier, where the identifier is retrieved from the message itself. In one particular embodiment, the independent notification may be a telephone call launched to a telephone number, where the telephone number was retrieved from the message itself. This particular embodiment is the subject of amended independent claim 8 which contains the limitations of:

establishing an identifier for the recipient by retrieving a telephone number from said message; and
launching a voice telephone call to said telephone number.

Okumura et al. does not disclose the limitations of amended independent claims 1 and 8, and therefore cannot anticipate claims 1 and 8 under the strict anticipation standard of §102.

In Okumura et al., the message does not contain the identifier (e.g., telephone number) to which the independent notification (e.g., telephone call) is launched. This can be seen from Okumura et al. in Fig. 2. Fig 2. of Okumura et al. illustrates the screen on which a user specifies mail notification instructions. Screen 200 allow the user to enter a message and a destination ID. As shown in Okumura et al., the destination ID shown on Fig. 2 is the recipient of the e-mail message, not an identifier of a recipient of the independent notification. This is evidenced by the fact that screen 200 shows up even if no mail indication is requested in the Okumura et al. system. If mail indication is requested, then screen 210 requests parameters indicating normal or urgent indication, and several time parameters. However, nowhere does the user specify, and therefore the message itself does not include, any identifier identifying the recipient of the independent notification. The message of Okumura et al. only includes an identification of the recipient of the message itself.

Rather than include an identification of the recipient of the independent notification in the message itself, the system of Okumura et al. must perform a database lookup to determine the message indication recipient. This is described in Okumura et al. at col. 4, line 56 - col. 5, line 3. As described in that section, the system of Okumura et al. uses the destination ID (described above) to perform a database lookup for a telephone number to which a mail indication is to be sent. Thus, in Okumura et al., the system does not establish the identifier to which the independent notification is to be launched “by retrieving said identifier from said message” as claimed in amended independent claim 1. Further, in Okumura et al., the system does not establish the telephone number to which the independent notification is to be launched “by retrieving a telephone number from said message” as claimed in amended independent claim 8.

It is noted that, while different, the above argued limitations of claims 1 and 8 contain some similarity to original dependent claims 6 and 11 (now cancelled), and therefore Applicant will address the Office Action’s rejection of claims 6 and 11. Both claims 6 and 11 were rejected under Okumura et al. in reliance on col. 4, lines 48-65, specifically lines 48-55 (Office Action paragraphs 11 and 16). However, the cited section of Okumura et al. merely discloses that Okumura et al. registers a received email in the mailbox based on the destination ID. This destination ID, as explained above, however, is not an identifier of a recipient of an independent notification. The cited portion of Okumura et al. further describes how, if mail receiving indication processing is specified in the email (e.g., the parameters entered on screen 210 of Fig. 2, as described above) then further processing is required. This further processing, in relevant part, is described in Okumura et al. at col. 4, line 56 - col. 5, line 3. This section of Okumura et al., et al., as explained above, does not support a rejection of claims 1 and 8. To the contrary, as explained above, this cited section of Okumura et al. supports the distinction between the invention of claims 1 and 8 and Okumura et al.

For the reasons discussed above, independent claims 1 and 8 are allowable over the cited art. All remaining dependent claims are dependent upon an allowable independent claim and are therefore also allowable.

III. No New Matter has Been Added

The amendments to claims 1 and 8 are fully supported by the specification as filed at least at paragraphs [0017] and [0020].

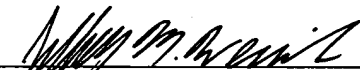
New claim 15 is clearly supported throughout the specification as filed.

New claims 16 and 17 are supported by the specification as filed at least at paragraph [0017].

IV. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



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